

22855 U.S. PTO
122203

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	CMCC 512 DIV
First Inventor	Samy Ashkar
Title	Novel Osteopontin Derived Chemotactic Peptides and Methods of Use
Express Mail Label No.	EL 717 747 309 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 36]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
- Oath or Declaration [Total Sheets 6]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ Paper
 - ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Items 9 & 10 are copies from
Serial No. 08/918,189

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 08/918,189

Prior application information:

Examiner David Lukton

Art Unit: 1653

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23579 OR ☐ Correspondence address below

Name	Patrea L. Pabst, Holland & Knight LLP		
Address	2000 One Atlantic Center 1201 West Peachtree Street		
City	Atlanta	State	GA
Country	United States of America	Zip Code	30309-3400
	Telephone	(404) 817-8473	Fax (404) 817-8588
Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284
Signature		Date	December 22, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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22855 U.S. PTO
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 942.00

Complete if Known

Application Number	Divisional of 08/918,189
Filing Date	December 22, 2003
First Named Inventor	Samy Ashkar
Examiner Name	
Art Unit	
Attorney Docket No.	CMCC 512 DIV

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-1868

Holland & Knight LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	770.00
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
9	-20** = 0	18.00	0.00
5	-3** = 2	86.00	172.00
Multiple Dependent	0	0.00	0.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 172.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for ex parte reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	420	210	Extension for reply within second month	
1253	2253	950	475	Extension for reply within third month	
1254	2254	1,480	740	Extension for reply within fourth month	
1255	2255	2,010	1,005	Extension for reply within fifth month	
1401	2401	330	165	Notice of Appeal	
1402	2402	330	165	Filing a brief in support of an appeal	
1403	2403	290	145	Request for oral hearing	
1451	1451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,330	665	Petition to revive - unintentional	
1501	2501	1,330	665	Utility issue fee (or reissue)	
1502	2502	480	240	Design issue fee	
1503	2503	640	320	Plant issue fee	
1460	1460	130	130	Petitions to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17(q)	
1806	1806	180	180	Submission of Information Disclosure Stmt	
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	770	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	770	385	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284	Telephone	(404) 817-8473
Signature		Date	December 22, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CMCC 512 DIV - 078856/00050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Samy Ashkar

Serial No.: Divisional of 08/918,189

Express Mail Label
No. EL 717 747 309 US

Filed: December 22, 2003

Date of Deposit: December 22, 2003

For: ***NOVEL OSTEOPONTIN DERIVED CHEMOTACTIC PEPTIDES
AND METHODS OF USE***

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicant encloses for filing the attached new patent application entitled "*Novel Osteopontin Derived Chemotactic Peptides and Methods of Use*". This application is a divisional of pending prior application Serial No. 08/918,189 filed August 21, 1997, entitled "*Novel Osteopontin Derived Chemotactic Peptides and Methods of Use*", by Samy Ashkar, which claims the benefit of U.S.S.N. 60/023,427 filed August 22, 1996. The application includes 1 page of abstract, 28 pages of specification, 3 pages of sequence listing, 4 pages of claims, and a copy of the executed Declaration for Patent Application from prior application Serial No. 08/918,189.

Divisional of U.S.S.N. 08/918,189
Filed: December 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 309 US
Date of Deposit: December 22, 2003

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 08/918,189, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 08/918,189.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 08/918,189 filed August 21, 1997 by Samy Ashkar. Sequence listings in computer readable form were submitted in application Serial No. 08/918,189 on December 21, 2001 in response to the Notice to Comply with Sequence Listing Requirements. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), Applicant hereby requests that the computer readable form of the sequence listing submitted in U.S. Serial No. 08/918,189 on December 21, 2001, be used as the computer readable form of the sequence listing for the new application. A paper copy of the Sequence Listing filed on December 21, 2001 in U.S. Serial No. 08/918,189 is submitted with the enclosed Preliminary Amendment, and is to be substituted for the Sequence Listing originally filed as pages 29-31 of the specification in U.S. Serial No. 08/918,189.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing being substituted into the new application by the enclosed Preliminary Amendment, that the Sequence Listing does not add new matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 08/918,189 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers; (b) Statement Under 37 CFR §3.73(b); and (c) Notice of Recordation of Assignment of Rights from Samy Ashkar to Children's Medical Center Corporation.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is not entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$942.00 to cover the filing fee for a large entity. It is believed that this is the proper filing fee since the application includes 5 independent claims and a total of 9 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, Applicant encloses a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

Divisional of U.S.S.N. 08/918,189
Filed: December 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 309 US
Date of Deposit: December 22, 2003

All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on December 22, 2003, by mailing the application to
Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

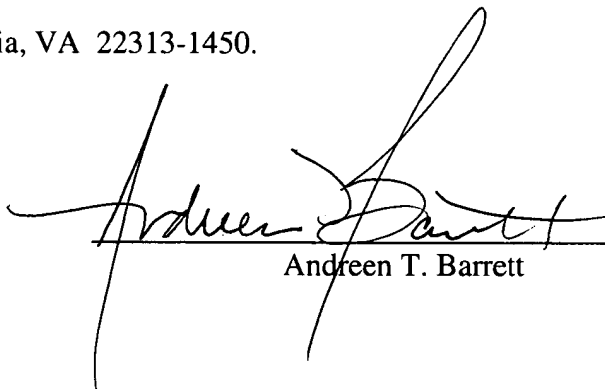
Date: December 22, 2003

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Divisional of U.S.S.N. 08/918,189
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Express Mail Label No.: EL 717 747 309 US
Date of Deposit: December 22, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, December 22, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 309 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Andreen T. Barrett

Date: December 22, 2003

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